

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**DAVID VAN ELZEN and RONALD
RODRIGUEZ, individually and on behalf of
all others similarly situated,**

Plaintiffs,

V.

TAX GROUP CENTER, INC., a California corporation,

Defendant.

Case No. 4:17-cv-01105-HSG

STIPULATION OF DISMISSAL

Plaintiffs David Van Elzen and Ronald Rodriguez (“Plaintiffs”) and Defendant Tax Center, Inc. (“Defendant” or “TGC”), through their counsel, stipulate as follows:

1. Plaintiffs filed this putative class action against Defendant.

2. Plaintiffs have agreed to dismiss their individual claims against TGC with
ce.

3. The dismissal of this case is without prejudice as to all putative, unidentified class members, if any.

4. Fed. R. Civ. P. 41(a)(1)(A)(ii) allows the parties to stipulate to the dismissal of an action at any time. Rule 23(e) does not limit the right to stipulate to dismissal of this action because it only applies to certified classes, and no class has been certified in this matter. No notice is required to putative class members under Rule 23(e) since the dismissal of Plaintiff's individual claims does not bind them in any way.

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiffs and Defendant agree that the action shall be dismissed in its entirety and with prejudice with respect to the claims

1 alleged by Plaintiffs individually against Defendant, and without prejudice as to any claims
2 alleged by the putative, uncertified class against Defendant.

3 Plaintiffs and Defendant further agree that each party shall bear his or its own costs and
4 attorney fees.

5 IT IS SO STIPULATED.
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7 DATED: August 9, 2017

KRONENBERGER ROSENFELD, LLP

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9 By: /s/ Jeffrey M. Rosenfeld
10 Jeffrey M. Rosenfeld
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12 Attorneys for Defendant Tax Group Center, Inc.
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14 DATED: August 9, 2017

WOODROW & PELUSO, LLC

15 By: /s/ Patrick H. Peluso
16 Patrick H. Peluso*
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One of the Attorneys for Plaintiffs
*Admission Pro Hac Vice

ATTESTATION OF CONCURRENCE IN FILING

18 Pursuant to Local Rule 5-1(i)(3), the filer hereby attests that concurrence in the filing of
19 this document has been obtained from each of the other signatories, which shall serve in lieu of
20 their signatures on the document.
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22 _____
23 /s/ Patrick H. Peluso
24 Patrick H. Peluso
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